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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

059864.01679

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Name _____

Application Number:

10/615,419

Filed: July 9, 2003

First Named Inventor:

Bajko GABOR et al.

Art Unit: 2436

Examiner: Daniel L. HOANG

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

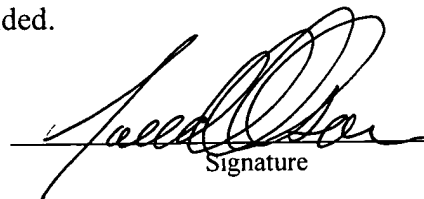
Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed (Form PTO/SB/96)

☒ Attorney or agent of record.
Registration No. 61,058

☐ Attorney or agent acting under 37 CFR 1.34.
Registration Number if acting under 37 CFR 1.34 _____


Signature

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Typed or printed name

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Telephone number

April 27, 2009

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 form is submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 7976

Bajko GABOR et al.

Art Unit: 2436

Application No.: 10/615,419

Examiner: Daniel L. HOANG

Filed: July 9, 2003

Attorney Dkt. No.: 059864.01679

For: METHOD FOR SETTING UP A SECURITY ASSOCIATION

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 27, 2009

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-2, 5-8, 12, 26, 28-29, 31-33, 35, and 35-57 in the above identified application. Claims 1-2, 5-8, 12, 26, 28-29, 31-33, 35, and 35-57 were finally rejected in the Office Action dated December 2, 2008. Applicants filed a Response to the final Office Action on March 25, 2009, and the Office issued an Advisory Action dated April 15, 2009, maintaining the final rejections of claims 1-2, 5-8, 12, 26, 28-29, 31-33, 35, and 35-57. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

Claims 1-2, 5-8, 12, 26, 28-29, 31-33, 35, and 37-57 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0154400

("Pirttimaa"). Applicants respectfully assert that this rejection amounts to a clear error because Pirttimaa fails to disclose or suggest each and every limitation of any of the rejected claims.

For instance, Pirttimaa fails to disclose or suggest "wherein the security association is valid for a plurality of different internet protocol addresses, each of said plurality of internet protocol addresses comprising said portion of the first internet protocol address to which the prefix value refers," as recited in claim 1, and as similarly recited in claims 26, 29, 31-32, 38, and 40-41.

Instead, Pirttimaa discloses a data security solution that sets up a standard security association and then individually considers SIP messages (Pirttimaa, Figure 2). For example, in paragraph [0039], Pirttimaa discloses setting up a security association between a P-CSCF and a user device. However, Pirttimaa does not disclose that the security association is valid for multiple IP addresses that each have a portion that refers to the same prefix value. Instead, the security association is merely set up according to TS 33.203 (Pirttimaa, paragraph [0039]). Moreover, it would be impossible for Pirttimaa to disclose the security association recited in the claims because Pirttimaa does not disclose associating multiple IP addresses with one another, based on each of the IP addresses having a portion that refers to the same value. Accordingly, the security association of Pirttimaa is not comparable to the security association recited by the rejected claims. This misinterpretation of Pirttimaa constitutes clear error which requires the rejection to be withdrawn.

Further, in paragraphs [0041]-[0043] of Pirttimaa, after the security association is set up, then the P-CSCF receives an SIP INVITE message from the user device and compares an IP address of the datagram conveying the SIP INVITE message to an IP address in the header of the SIP INVITE message. If the two IP addresses are the same, then the P-CSCF concludes that the SIP INVITE message is secure, and the message is forwarded to an appropriate destination. However, Pirttimaa does not disclose that the security association corresponding to the SIP INVITE message is valid for a plurality of IP addresses that each include a portion that refers to the same prefix value. Rather, the security association corresponding to the SIP INVITE message is no different than the security association discussed above with respect to paragraph [0039] of Pirttimaa. Further, not only do paragraphs [0041]-[0043] fail to disclose the limitations recited above, but paragraphs [0041]-[0043] are irrelevant because they occur after the security association is already set up. This is another misinterpretation of Pirttimaa, which constitutes clear error.

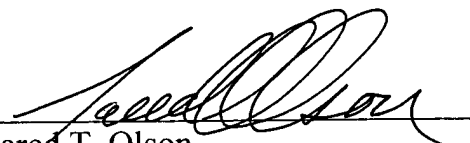
As discussed in paragraphs [0041]-[0043] of the present Application, embodiments of the claimed invention can enable a user device to change IP addresses without having to re-register and create a whole new security association. This capability can enhance security and mobility in a telecommunications network because, even when a user device changes IP addresses due to, for example, traveling from one location to another, the user device can still communicate via the previously created security association because the security association is valid for multiple IP addresses that each

include a portion referring to a prefix value. Pirttimaa fails to disclose or suggest such features because Pirttimaa is directed to ascertaining the security of individual packets.

Given the significant distinctions between the security association recited in the claims and the security association disclosed by Pirttimaa, it is clear that the Office has misapplied Pirttimaa in asserting this rejection. In other words, this rejection has been presented in clear error because Pirttimaa fails to disclose or suggest each and every limitation of claims 1, 26, 29, 31-32, 38, and 40-41. Similarly, Pirttimaa fails to disclose or suggest each and every limitation of claims 2-3, 5-8, 12, 28, 33, 35, 37, 39, and 42-57, for their dependency from claims 1, 26, 29, and 41, and for the limitations recited therein. Therefore, as this rejection has been presented in clear error, Applicants respectfully request that it be promptly withdrawn.

In the event this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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Enclosures: PTO/SB/33 Form
Notice of Appeal
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